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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,338	12/04/2003	Kenneth Robert Baker	030015	1131
23696 7590 06/20/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER LEE, JOHN J	
			ART UNIT 2618	PAPER NUMBER
			NOTIFICATION DATE 06/20/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/729,338	<b>Applicant(s)</b> BAKER ET AL.	
	<b>Examiner</b> JOHN J. LEE	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-37 is/are allowed.
- 6) ☒ Claim(s) 38 and 40 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/13/2008</u> .                                               | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 38 and 40 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 38 and 40** are rejected under 35 U.S.C. 102(e) as being anticipated by Lovinggood et al. (US 6,615,021).

Regarding **claim 38 and 40**, Lovinggood teaches a method for setting total reverse link gain between a repeater and a base station (column 3, lines 32 – column 4, lines 65 and Fig. 2). Lovinggood teaches that a processor (Fig. 2) configured to determine an operating point (determining the area of interested) for the repeater (Fig. 2) (column 1, lines 13 – 63 and Fig. 2). Lovinggood teaches that a transceiver circuitry (20, 47) within a coverage area (within coverage area of the repeater in Fig. 1) of the repeater coupled to the processor and configured to establish a reverse communication link to the base station (Fig. 1, 2 and column 2, lines 36 – column 3, lines 52). Lovinggood teaches that a summing unit (36) coupled to the processor (processor (Fig. 2) coupled to combiner) and

configured to repeatedly sum reverse link gain values (combiner sum reverse link gain values) and corresponding transmit power (combining transmit output power) of the transceiver device to obtain sum values (obtaining output values) (Fig. 2, 3 and column 3, lines 32 – column 4, lines 65). Lovinggood teaches that the processor adjusts the reverse link gain (adjusting reverse link gain within the repeater (processor)) by an amount based on the sum values (output gain value and power values) and the operating point to set (point of interest area) the total reverse link gain (Fig. 2, 3, column 3, lines 32 – 51, and column 4, lines 44 – column 5, lines 20).

***Allowable Subject Matter***

4. The claims 1-37 are allowable over the prior art of record because none of the prior art of record teaches the combined claimed elements as set forth in the claims 1-37.

None of the prior art of record teaches or fairly suggests that for setting total reverse link gain between a repeater and a base station comprises determining operating point for repeater, determining if an increase in a reverse link gain is substantially equal to an increase in a noise figure of the base station, based on a transmit power of the transceiver device, and adjusting the reverse link gain by an amount based on the operating point and based on a difference in reverse link gain values, if the increase in the reverse link gain is substantially equal to the increase in the noise figure of the base station, to set the total reverse link gain, and together with combination of other claimed elements as set forth in the independent claims 1, 16, and 27. Therefore, the claims 1-37 are allowable over the prior art of records.

5. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose the limitation “ summing a reverse link gain value and corresponding transmit power value of the receiver device to obtain a first sum value, and increasing the reverse link gain value and re-summing the reverse link gain value and corresponding transmit power value to obtain a second sum value until a difference in the first and second sum values is obtained, and wherein adjusting the reverse link gain comprises adjusting the reverse link gain by an amount based on the difference and the operating point” as specified the claim.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brooks (US 7,058,400) discloses Forward and Reverse Link Channels Dynamic Processing Gain.

Chheda et al. (US 6,515,975) discloses Fast Forward Power Control During Soft Handoff.

Dean (US 2003/0123401) discloses Reverse Link Power Controlled Repeater.

Information regarding...Patent Application Information Retrieval (PAIR) system...  
at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)

Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.  
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00  
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay**  
**Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or relating to  
the status of this application should be directed to the Group receptionist whose telephone  
number is (703) 305-4700.

J.L  
June 17, 2008

John J Lee

/JOHN J LEE/  
Examiner, Art Unit 2618

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